

AFFIDAVIT

- 1) **AFFIANT/AGENT.** I, Kevin Backes, a Border Patrol Agent of the United States Border Patrol, Customs and Border Protection, have been employed by the USBP/CBP for approximately 21 years and am currently assigned to the Border Patrol Station at Pembina, North Dakota.

Your affiant has reason to believe that BIESZCZAD, Joanna (DOB: XX/XX/1972, COC: United States) and BIESZCZAD, Marcin Mieczyslaw (DOB: XX/XX/1971, COC: United States), knowing that a person is an alien, brought to or attempted to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry in violation of 8 U.S.C. § 1324(a)(1)(A)(ii).

- 2) **INITIAL ENCOUNTER.** On July 8, 2024, at approximately 3:20 am, Bottineau Border Patrol Agent Casavant observed a dark colored SUV turn from North Dakota Highway 43 and travel north on Lake Loop Road West. This intersection is approximately three and a half miles south of the U.S./Canada border. About 15 minutes later a remote camera sensor activation showed three subjects walking south from the border at Solper Road. Solper Road dead ends near the border and is connected to Lake Loop Road. Additional sensors activated in the area just south of the area where the three subjects were walking south showed a light-haired female walking north being followed by a vehicle.

Agent Casavant began to respond to the area and observed what he believed was the same dark colored SUV traveling south from the area of the sensor activations. Agent Casavant turned around to follow the vehicle and noted the vehicle was a dark colored Hyundai Tucson bearing Illinois license plate FP216269. Agent Casavant followed the vehicle as it turned east on Highway 43 from Lake Loop Road and activated his patrol vehicle's emergency equipment to conduct a traffic stop. Due to the time of day, the vehicle's proximity to the border, and the sensor activations, Agent Casavant suspected the vehicle was being used to smuggle aliens into the United States. The vehicle yielded on Highway 43 approximately one mile east of the intersection with Lake Loop Road.

Agent Casavant approached the vehicle, introduced himself as a Border Patrol Agent and asked the driver for his identification and the vehicle registration. The driver presented an Illinois Driver's License and a rental car pamphlet. The driver's license identified the subject as BIESZCZAD, Marcin. BIESZCZAD, Marcin stated they were lost and looking for their hotel. Agent Casavant then asked the front seat passenger for identification, she provided an Illinois Driver's License identifying her as BIESZCZAD, Joanna. Agent Casavant then spoke with the three back seat passengers in the vehicle. They claimed to be traveling from a casino and were looking for their hotel. Agent Casavant noticed the front seat passenger and the rear passengers appeared to be the same persons seen on the remote camera sensor activations.

A short time later Agent Moss arrived at the scene, and he and Agent Casavant placed everyone under arrest and advised them of their Miranda rights. All subjects were then transported to the Bottineau Border Patrol station for processing.

- 3) POST ARREST INVESTIGATION/MIRANDA RIGHTS.** On July 8, 2024, all subjects arrived at the Portal Border Patrol Station and were enrolled into NGI/IDENT, a computerized fingerprint identification system. The NGI/IDENT results revealed BIESZCZAD, Marcin and BIESZCZAD, Joanna were naturalized citizens of the United States. Neither subject had any prior criminal arrest histories in the United States. During the initial intake processing of each subject Agent Moss, witnessed by Agent Norkus, advised each subject of their Miranda rights using service form I-214. All subjects signed their 214 acknowledging they understood their rights.

After determining that the BIESZCZADs were likely alien smugglers, and due to the limitations of the processing area at the Bottineau Station to keep the smugglers separated from the smuggled aliens, both BIESCZCADs were transported to the Bottineau County Jail while the smuggled aliens were being processed.

Agents Crapeau and Girodat interviewed BIESZCZAD, Marcin at the Bottineau County Jail. Agent Crapeau, witnessed by Agent Girodat, advised BIESZCZAD, Marcin of his Miranda rights and BIESZCZAD, Marcin agreed to answer questions. BIESZCZAD, Marcin admitted to picking up people after they had entered the United States illegally. He stated one of the individuals was his godmother (SOWINKSI) and he knew she had been denied entry into the United States a few months prior. He stated he and his wife (BIESZCZAD, Joanna) left their home in Illinois for the purpose of picking up his godmother after she illegally entered the United States.

Agents Crapeau and Girodat interviewed BIESZCZAD, Joanna at the Bottineau County Jail. Agent Crapeau, witnessed by Agent Girodat, advised BIESZCZAD, Joanna of her Miranda rights and BIESZCZAD, Joanna agreed to answer questions. BIESZCZAD, Joanna stated that she and her husband (BIESZCZAD, Marcin) left their home in Illinois to travel to North Dakota to pick up her husband's aunt, who he also refers to as his godmother. The aunt made arrangements with the couple to be picked up after entering illegally from Canada and they also knew there would be two acquaintances of his aunt they would also be picking up. BIESZCZAD, Joanna admitted to exiting the vehicle as they approached the border and walking up to meet the group as they entered the United States illegally and directing them back to the car.

Agents Crapeau and Girodat interviewed SOWINSKI, Anna, hereinafter SOWINSKI, at the Bottineau Border Patrol Station. Agent Crapeau, witnessed by Agent Girodat, advised SOWINSKI of her Miranda rights and she agreed to answer questions. SOWINSKI stated she last entered the United States from Canada at Detroit, Michigan in May of 2024. She said she stayed with her nephew, BIESZCZAD, Marcin, in Chicago, Illinois. SOWINSKI claimed she, her nephew, and his wife had traveled to North Dakota and met the two other

individuals at a casino. SOWINSKI claims they were giving the other two individuals a ride to a hotel.

Records were found to indicate that SOWINSKI last attempted to enter the United States at Chicago, Illinois on April 9, 2024. SOWINSKI was subsequently removed from the United States to Canada. There is no record to indicate SOWINSKI has ever applied for permission to enter the United States after her removal nor is there any record to indicate SOWINSKI has made any lawful entry or has lawful status to be in the United States.

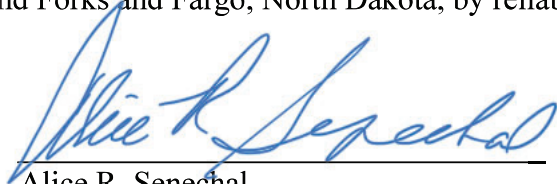
In my experience, the above facts constitute a violation of 8 U.S.C. § 1324(a)(1)(A)(ii).

The foregoing is true and correct to the best of my knowledge and belief.



Kevin Backes
United States Border Patrol Agent

Sworn before me this 9th day of July, 2024, in Grand Forks and Fargo, North Dakota, by reliable electronic means.



Alice R. Senechal
United States Magistrate Judge